

REMARKS

Applicant respectfully submits that, for the reasons detailed below, all pending claims are in condition for allowance. Accordingly, Applicant requests favorable reconsideration of the present rejections.

I. Status of and Amendments to the Claims

Prior to this Amendment B, claims 36-45 and 52-68 were pending. With this Amendment B, claims 36, 53, 58 and 63 have been amended, while claims 52 and 57 have been canceled. Accordingly, claims 36-45, 53-56 and 58-68 are now pending.

Claims 36, 58 and 63 have been amended for purposes of clarification, the reference to "cytoprotective activity" therein having been removed. Additionally, claim 36 has been amended to remove the reference to "spiro" therein and, in view thereof, claims 52 and 57 have been canceled. Finally, in view of the cancellation of claim 52, claim 53 has been amended to now directly depend from claim 36.

Applicant respectfully submits these claim amendments and cancellations in the interest of expediting allowance of all pending claims. Applicant therefore reserves the right to file a continuation application directed to this subject matter during the pendency of this application.

II. Allowable Subject Matter

Applicant respectfully acknowledges the Office's finding that the prior art of record does not teach the compound of claim 36, wherein substituent R¹ is an adamantyl group. Additionally, in view of the absence of any prior art rejections in the present Office action, Applicant understands that the prior art of record does not teach or suggest any of the claimed compounds.

III. Rejection under 35 U.S.C. §112, Second Paragraph

Reconsideration is respectfully requested of the rejection of claims 36-45, 53-56 and 58-68 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant respectfully submits that all of the pending claims are clearly drawn to compounds and, therefore, the reference to "cytoprotective activity" should not to be viewed as a claim limitation, consistent with MPEP §2111.02. However, as previously noted, in the interest of expediting allowance of the pending claims, independent claims 36, 58 and 63 have been amended to remove reference to "cytoprotective activity" therein.

In view of the noted claim amendment, Applicant respectfully submits the present rejection is rendered moot. As such, Applicant will not comment further on the appropriateness of the present rejection at this time.

IV. Rejection under 35 U.S.C. §112, First Paragraph

Reconsideration is respectfully requested of the rejection of claims 36, 37, 41-45, 53-56, 58 and 59 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

A. *Claims 36, 37, 41-45 and 53-56*

As previously noted, in the interest of expediting allowance of the pending claims, independent claim 36, from which claims 37, 41-45 and 52-56 depend, has been amended to remove reference to "spiro" therein. In view thereof, Applicant respectfully submits the present rejection of these claims is rendered moot. As such,

Applicant will not comment further on the appropriateness of the present rejection at this time.¹

B. Claims 58 and 59

Reconsideration of the rejection of claims 58 and 59 is respectfully requested, in as much as these claims are not directed to a compound wherein R¹ is a substituent having a spiro structure. In fact, these claims make no reference to a substituent R¹, or a substituent having a spiro structure. Rather, these claims are directed to a compound having, on the A-ring therein, an adamantyl group, a hydroxyl group and a substituted or unsubstituted alkyl group, R^x.

In view of the foregoing, Applicant respectfully submits the rejection of claims 58 and 59 is improper. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

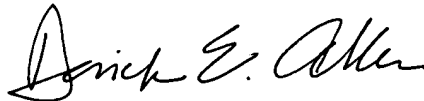
¹ It is to be noted, however, that the present rejection of claims 42-45 and 53-56 is improper in any event because, even prior to the present amendment: (a) claims 42-45 specifically required that R¹ be an adamantyl substituent, with the further feature of claim 45 depending from claim 38, which was not rejected here; and, (b) claims 53-56 specifically required that R¹ be a substituent having a bridged structure.

CONCLUSION

In view of the foregoing, Applicant respectfully submits that all pending claims are in condition for allowance. Accordingly, Applicant respectfully requests favorable reconsideration and allowance of all pending claims.

The Commissioner is hereby authorized to charge any underpayment or credit any overpayment to Deposit Account No. 19-1345.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Derick E. Allen". The signature is fluid and cursive, with the first name "Derick" being more prominent.

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